

MEMORANDUM

DATE: March 14, 2008

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell
Chairperson
State Council for Persons with Disabilities

RE: H.B. 297 [Children of Military Families Compact]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 297 which is an interstate compact to ensure standards for educational records for children of military families. It is designed to facilitate enrollment and educational opportunities of K-12 children of active duty military. An interstate compact will become effective upon legislative enactment of the compact by at least 10 states (lines 449-450). An interstate commission would be established to issue and enforce standards to facilitate administration of the compact (lines 259-267). Each participating state would have one voting member (line 202). The commission would hire an executive director and staff. Each state would be assessed a fee to cover the costs of the commission based on a formula (lines 434-438).

The compact contains many positive features. The special education provisions (lines 125-134) appear adequate and contemplate continuation of services and accommodations based on the sending school's IEP or Section 504 plan. If a transferring senior cannot meet diploma standards of the receiving school, the student can receive a diploma by meeting the standards of the sending school (lines 171-176). Receiving schools can accept unofficial records from parents for placement and enrollment while awaiting official transcripts (lines 89-94). Application deadlines for participation in extracurricular and other activities can be waived (lines 154-156).

SCPD endorses the proposed legislation subject to the following amendments.

First, it is unclear if charter schools would be covered by the compact. The bill refers to local educational agencies (lines 43-44 and 80-81) without reference to Delaware statutory law. Delaware statutory law [Title 14 Del.C. §503] refers to charter schools as a "public school"..."with the "same standing and authority as a Reorganized School District Board of Education". However, they are not technically local educational agencies under the Delaware Code. The sponsors of H.B. 297 should preferably clarify whether charter schools are included in the definition of "local educational agency" (lines 43-44) for purposes of the compact.

Second, for grammatical reasons, it would be preferable to substitute "who" for "that" in line 106 and substitute "the student's" for "their" in line 109.

Third, each member state is required to establish or identify an entity to coordinate implementation of the compact within the state (lines 178-186). H.B. 297 only mentions the requirement without defining the entity. The sponsors may wish to specifically define the entity to fulfill this function.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or recommendations on the proposed legislation.

cc: The Honorable Ruth Ann Minner
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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